

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: July 19, 2006

CALLED TO ORDER: 5:40 p.m.

ADJOURNED: 10:30 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chair
Greg Bowes
Vernon Brown
Lynn McWhirter
William Oliver
Lincoln Plowman
Scott Schneider

Absent Members

Sherron Franklin

AGENDA

PROPOSAL NO. 392, 2006 - approves the Mayor's appointment of Earl S. Morgan, Sr. as the Director of the Department of Public Safety

"Do Pass"

Vote: 6-0

PROPOSAL NO. 393, 2006 - appoints Judith Hawley Conley to the Juvenile Detention Advisory Board

"Do Pass"

Vote: 7-0

PROPOSAL NO. 399, 2006 - appoints David Woodruff, a neighborhood organization representative, to the Wellfield Education Corporation Board

"Do Pass"

Vote: 7-0

PROPOSAL NO. 405, 2006 - appoints James Bradford to the Juvenile Detention Advisory Board

"Do Pass"

Vote: 5-1

Update from the Criminal Justice Planning Council members

PROPOSAL NO. 398, 2006 - approves an appropriation of \$1,574,000 in the 2006 Budget of the Marion County Sheriff (Consolidated County Fund) to fund rental of additional jail beds under contracts with the Department of Corrections

"Do Pass as Amended"

Vote: 4-3

PROPOSAL NO. 394, 2006 - approves the issuance of one or more series of bonds and notes in an amount not to exceed \$45 million to finance the MECA communications system upgrade and other projects

“Postpone” until August 2, 2006

Vote: 6-0

PROPOSAL NO. 395, 2006 - approves a third amendment to the Marion County Sheriff's Department Personnel Retirement Plan

“Postpone” until August 2, 2006

Vote: 6-0

PROPOSAL NO. 396, 2006 - approves an increase of \$815,988 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to support the Indiana Intelligence Fusion Center, a facility that serves as a link between federal, state and local law enforcement agencies in support of homeland security and counter-terrorism, financed by a federal grant

“Postpone” until August 2, 2006

Vote: 6-0

PROPOSAL NO. 397, 2006 - approves an increase of \$2,002,973 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grant and Non-Lapsing Federal Grant Funds) to enhance community policing efforts through technology improvements, investigative equipment, Weed & Seed for the West Side and Martindale Brightwood; Gang Resistance Education and Training within Marion County Schools; Community Prosecution and partnerships with the Indiana Coalition Against Sexual Assault and The Julian Center, all financed by federal grants

“Postpone” until August 2, 2006

Vote: 6-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, July 19, 2006. Chair Mary Moriarty Adams called the meeting to order at 5:40 p.m., with the following members present: Greg Bowes, Vernon Brown, Lynn McWhirter, William Oliver, Lincoln Plowman and Scott Schneider. Absent was Sherron Franklin.

Chair Moriarty Adams asked that the following proposals be postponed to a special Public Safety and Criminal Justice committee meeting to be held Tuesday, August 2nd:

PROPOSAL NO. 394, 2006 - approves the issuance of one or more series of bonds and notes in an amount not to exceed \$45 million to finance the MECA communications system upgrade and other projects

PROPOSAL NO. 395, 2006 - approves a third amendment to the Marion County Sheriff's Department Personnel Retirement Plan

PROPOSAL NO. 396, 2006 - approves an increase of \$815,988 in the 2006 Budget of the Department of Public Safety, Director's Office (Non-Lapsing Federal Grants Fund) to support the Indiana Intelligence Fusion Center, a facility that serves as a link between federal, state and local law enforcement agencies in support of homeland security and counter-terrorism, financed by a federal grant

PROPOSAL NO. 397, 2006 - approves an increase of \$2,002,973 in the 2006 Budget of the Department of Public Safety, Police Division (Federal Grant and Non-Lapsing Federal Grant Funds) to enhance community policing efforts through technology improvements, investigative equipment, Weed & Seed for the West Side and Martindale Brightwood; Gang Resistance Education and Training within Marion County Schools; Community Prosecution and partnerships with the Indiana Coalition Against Sexual Assault and The Julian Center, all financed by federal grants

Councillor Bowes moved, seconded by Councillor Brown, to "Postpone" Proposal Nos. 394, 395, 396, and 397, 2006 until August 2, 2006. The motion carried by a vote of 6-0.

PROPOSAL NO. 392, 2006 - approves the Mayor's appointment of Earl S. Morgan, Sr. as the Director of the Department of Public Safety

Mr. Morgan said he has spent some time with Homeland Security, a number of years in the United States Army, and has worked in the Department of Administration focusing on some of the human resource consolidation efforts. He said his background experience will allow him to be very affective in advancing public safety agendas.

Councillor Bowes asked what the Public Safety Director's responsibilities will be after consolidation. Mr. Morgan said he will be in charge of the Emergency Preparedness

office as well as other departments within public safety. He said the consolidation strategy and focus will be more on homeland security.

James Greeson, Chief of the Indianapolis Fire Department, spoke in support of Mr. Morgan and said that Mr. Morgan has been very helpful to the fire department.

John Mallon, Indianapolis Police Department, spoke on behalf of Chief Michael Spears in support of Mr. Morgan's appointment. He said Mr. Morgan is great at what he does and looks forward to working with Mr. Morgan in protecting the community.

Councillor Oliver moved, seconded by Councillor Brown, to send Proposal No. 392, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 393, 2006 - appoints Judith Hawley Conley to the Juvenile Detention Advisory Board

Mrs. Conley said she has been an attorney in private practice for 28 years, and throughout that time she has had the opportunity to serve our community in many capacities. She said she has worked with members of the Marion County Bar Association to provide input into the structure and operation of the Juvenile Court. Mrs. Conley went on to state her affiliation with several boards and associations. She also served as a public defender for over 15 years and a portion of her time was dedicated to the Juvenile Court. She said she is very familiar with the juvenile court and the judges and feels she can bring first hand experience to the advisory board.

[Clerk's note: Councillor Plowman arrived at 5:54 p.m.]

Councillor Brown said Mrs. Conley is very experienced and has the knowledge needed to be a great asset to the advisory board.

Councillor Brown moved, seconded by Councillor Oliver, to send Proposal No. 393, 2006 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 399, 2006 - appoints David Woodruff, a neighborhood organization representative, to the Wellfield Education Corporation Board

Mr. Woodruff said he has worked with the neighborhood association for 18 years and has established a new neighborhood association called the Watch and Coordinate Association. He said he teaches at a program called "Talks My Father Does Not Have

With Me” to inter-city children. He said he would bring extensive knowledge of what the community wants to the board and asked for approval of his appointment.

Councillor Schneider asked for clarification of the committee’s association with the Wellfield Education Corporation Board. Aaron Haith, General Counsel, said it may be new to the committee.

Councillor Oliver moved, seconded by Councilor Bowes, to send Proposal No. 399, 2006 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 7-0.

[Clerk’s note: Councillor Brown stepped out of the meeting]

PROPOSAL NO. 405, 2006 - appoints James Bradford to the Juvenile Detention Advisory Board

Mr. Bradford said he has been very involved in the community and has been a member of the City-County Council for three terms. He was chairman of Community Affairs for four years and has sat on the committee for approximately nine years. He said if appointed to the advisory board he intends to do what is good for the community and be very involved with the board. He said there is a problem in the Juvenile Justice Agency and it needs to be resolved now.

Councillor Oliver asked if Mr. Bradford has any general observations that he would bring to the board. Mr. Bradford said that he would like to see more intervention with troubled children. He said he would like to help children now rather than later down the road when they are in the detention center. Councillor Oliver asked if Mr. Bradford is familiar with the Casey Foundation. Mr. Bradford replied in the affirmative and said his brother (Judge Cale Bradford) and some other folks worked hard to get the foundation money brought before the city.

Judge Bradford spoke in support of Mr. Bradford’s appointment to the advisory board and said Mr. Bradford would be excellent in the exchange of ideas to assist the Juvenile Justice Agency.

Councillor Schneider moved, seconded by Councillor Plowman, to send Proposal No. 405, 2006 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 5-1 with Councillor Bowes casting the negative vote.

[Clerk’s note: Councillor Brown returned to the meeting]

**PRESENTATION SECTION OF THE MEETING WILL BE ADDED AT A LATER
DATE**

PROPOSAL NO. 398, 2006 - approves an appropriation of \$1,574,000 in the 2006 Budget of the Marion County Sheriff (Consolidated County Fund) to fund rental of additional jail beds under contracts with the Department of Corrections

Councillor Schneider said this proposal is the result of the Prosecutor's Office; therefore he would like Carl Brizzi, County Prosecutor, to present the proposal.

Prosecutor Brizzi said there has been a 34.5% increase in homicides this year alone and double digit increase in property crime. He said he agrees that more lawyers, prosecutors, and courts are needed and that the Criminal Justice Planning Council (CJPC) is working very hard towards those long term goals. However, something has to be done right now. He said there were 1,559 pre-trial releases since January and 743 releases of people who have been convicted and sentenced. He said there are 225 beds available for Marion County at the New Castle facility and 225 convicted felons can be moved to New Castle for \$39.75 a day, which will make room for 225 pre-trial detainees. He also stated that Corrections Corporation of America (CCA) has 200 beds at approximately \$42.00 a day that will be available next week and have agreed to build out the facility at no capital cost to the County. He also stated that CCA has agreed to build out the east side of the building for 226 beds and two court rooms if the Council is willing to appropriate the money. Another option of this proposal is to build 600 beds on top of the Arrestee Processing Center (APC), which would take 18 months. He said working to get these additional jail beds and continue working on the long-term solutions will send a message to the community that Marion County is dedicated to the fight of making the community safer.

Edward Motley, Deputy Commissioner at DOC, said they can take 220 offenders to New Castle at the rate of \$39.75 a day. He said 28 offenders transported by bus will cost \$144.00, taking offenders out by van would be \$135.00, and a cruiser would cost \$129.00 with two officers.

Chair Moriarty Adams asked if the charge is per day, each way. Mr. Motley said the charge would be to take the offenders out and they will bring offenders back at no charge. Prosecutor Brizzi clarified that the transportation is a one time cost. Chair Moriarty Adams asked why they would want to go outside the County. Mr. Motley said New Castle is a state facility and is under a private contract where beds are available. Chair Moriarty Adams said she believes there are beds available here in Marion County. Prosecutor Brizzi said the county should do both. He said the county has 300 sentenced people sitting in the Marion County jail and 225 offenders can be moved out with no attorney visit or transportation problems.

Chair Moriarty Adams asked if there is money in the budget for this proposal. Bob Clifford, City Controller said there is no unmarked money in the budget and this proposal will require additional taxes, taking away from other agencies, or borrowing.

Councillor Bowes asked why the County would want to lose the \$35.00 a day rate to pay \$39.75 a day and why are we not sending convicted felons to the Department of Corrections (DOC) anyway. Mr. Motley said the DOC has to take sentenced inmates when they are sent to them; however, if all the paper work is not available to process the inmates in DOC they cannot take them. Prosecutor Brizzi said this proposal is in response to criminals that have been sentenced to serve their time in the Marion County jail. He said those criminals can be sent to DOC within a week to make room for other offenders.

Councillor Bowes asked what the numbers are between inmates that are required by law to go to DOC and those that the county is required to keep. Prosecutor Brizzi said there are convicted and sentenced criminals that are on home detention programs, who are not complying with those terms. He said that because of the jail overcrowding problem there is no where to send felons. He said even if the county moves 150 inmates, that still leaves plenty of beds to send a message to criminals that the county will find room for you even if it is out of the county.

Mr. Clifford said existing funds are rare and he does not see where extra money is available; however, he will find a way if that is the will of the Council. Prosecutor Brizzi said he is not trying to diminish what the county is trying to accomplish, but if the political will is available to pass this proposal it could happen. Chair Moriarty Adams said the political will has been available by adding 250 beds at Liberty Hall, efforts made by the County Option Income Tax (COIT) increase, and the move of people to the DOC today to make beds available.

Chair Moriarty Adams asked what agency's budget would be absorbing the cost of this proposal. Mr. Clifford said this proposal will affect the police and fire departments and the city budget. Chair Moriarty Adams asked if there have been conversations with the Chief of Police, Chief of the Fire Department, and Sheriff Anderson on the impact of this proposal on their budgets. Prosecutor Brizzi said the total cost of this proposal would be three million dollars, and he cannot imagine that the money cannot be found for something important as public safety. Mr. Clifford said there is already a budget that is funded for police and fire and whatever is decided with this proposal will have an affect on other agencies.

Councillor Brown asked if the three million dollars for jail beds is for only 180 days. Prosecutor Brizzi said the original proposal is \$1.5 million, and the CCA deal is approximately the same cost, which would be the result of over 600 jail beds. Councillor

Brown asked if we already have some of these jail beds. Prosecutor Brizzi replied in the affirmative and said there will be an additional 125 jail beds coming on-line at Liberty Hall next year. Councillor Brown asked if the three million dollars needed for jail beds is a flat fee. Prosecutor Brizzi replied in the negative and said jail beds are an ongoing expense. Councillor Brown asked Mr. Motley what his affiliation with DOC is. Mr. Motley said he is attending the committee meeting to answer any questions and propose 220 jail beds and 34 maximum security pre-trial inmates at the New Castle facility. Councillor Brown asked if the New Castle facility could take inmates within days. Mr. Motley replied in the negative and said there has to be a written agreement between DOC and the county before inmates can be moved.

Councillor McWhirter said she is not pleased to hear that we cannot find \$1.5 million dollars to keep criminals off the street, but was able to do the Law Enforcement consolidation and the Washington Township and Indianapolis Fire Department merger, where savings should be seen. Mr. Clifford reiterated that if the Council wanted to find the funding there are ways to find additional money, which will result in money being taken from another agencies or departments. Councillor McWhirter asked if money was saved with the consolidation. Bart Brown, Chief Financial Officer, said there were savings with the consolidation; however it has already been used. He said the county is already in debt \$6 million in COIT next year; therefore any additional appropriations that the Council approves will put the city and county in debt. He said there is no anticipated savings with the fire merger until it is completed.

Councillor Bowes asked how effective Prosecutor Brizzi felt the CJPC is. Prosecutor Brizzi said he feels the CJPC is doing good things. Councillor Bowes asked if Prosecutor Brizzi went over this proposal with CJPC first. Prosecutor Brizzi said after the seven murders on Hamilton Street, he decided to spearhead an idea that has been discussed for three years, which is increasing the amount of jail beds. He said he spoke to every member of the CJPC and Council members about this proposal. Councillor Bowes asked if Prosecutor Brizzi discussed the proposal before it was put on the Council agenda. Prosecutor Brizzi said it could not be discussed because he did not know it was going to be put on the agenda.

Councillor Brown asked who DOC contracts with for additional jail beds. Mr. Motley said the Sheriff is responsible for providing jail beds. Therefore, DOC would contract with the Sheriff.

Chair Moriarty Adams asked the representatives of agencies if they have additional space for jail beds. Melinda Turner, representative for CCA, replied in the affirmative and said there are 200 temporary beds available by next week, the east side of Marion County Jail II could be built out for 226 jail beds in three to six months, and the APC could be built out on the second, third, and fourth floors for 600 beds; however this project would be

long range. She said they have been the city and county's partner for nine years and would like to discuss these plans in further detail.

Michelle Rider, Director of Liberty Hall, said they are unique in the sense that they focus on treatment, education, and rehabilitation because that is the long term solution rather than warehousing inmates. She said their bed rate is \$39.75 per day along with long term solutions of treatment. Ms. Rider said they do have the ability in five to six months to provide 250 to 300 more beds and would like to give those beds to the Marion County Sheriff's department for solution for this problem.

David Certo, citizen, said he does not mind paying for city services or service tax, but he does ask in return that his wife feel safe in their home and in the community. He said right now his wife does not feel safe. Mr. Certo said most criminals in the community know that they will not go to jail, because they know there is no space. He said he wants to know what the city plans to do with jail beds that are available in the county.

Councillor Schneider moved, seconded by Councillor McWhirter, to send Proposal No. 398, 2006 to the full Council with a "Do Pass" recommendation.

Councillor Oliver introduced and read an amendment to Proposal No. 398, 2006 (Exhibit E, attached).

Councillor McWhirter asked if an amendment is in order at this time. Mr. Haith replied in the affirmative. Councillor McWhirter asked how Exhibit E is an amendment. She said it is an entirely different proposal and is called a general resolution. Mr. Haith said an amendment can be made to any proposal in committee by substitution if it is carried in committee.

Councillor Schneider asked how many additional jail beds this amendment offers. Mr. Haith said this amendment does not recommend any additional jail beds, but leaves it up to the Sheriff and the CJPC to make the request for additional jail beds. Councillor Schneider asked if this amendment is taking away the possibility to take 220 inmates to another facility rather than releasing them from jail. Chair Moriarty Adams said 125 jail beds have already been approved at Liberty Hall, which has provided more open beds in the county jail.

Councillor Bowes said jail overcrowding will always be a problem that will have to be maintained. He said the question is how much money is going to be spent to house offenders. Councillor Bowes said he would like to see the plan that was approved by Council and CJPC completed before more money is spent.

Public Safety and Criminal Justice Committee
July 19, 2006
Page 8

Councillor Oliver moved, seconded by Councillor Bowes, to “Amend” Proposal No. 398, 2006 per Exhibit E. The motion carried by a vote of 4-3 with Councillors McWhirter, Plowman, and Schneider casting the negative votes.

Councillor Oliver moved, seconded by Councillor Bowes to send Proposal No. 398, 2006 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 4-3 with Councillors McWhirter, Plowman, and Schneider casting he negative vote.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 10:30 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chair
Public Safety and Criminal Justice Committee

MMA/as